

Renumbered 5/12/2015

10-2-105 Processing a request for incorporation -- Certification or rejection by county clerk -- Processing priority -- Limitations -- Township planning commission recommendation.

- (1) Within 45 days of the filing of a request under Section 10-2-103, the county clerk shall:
 - (a) with the assistance of other county officers from whom the clerk requests assistance, determine whether the request complies with Section 10-2-103; and
 - (b)
 - (i) if the clerk determines that the request complies with Section 10-2-103:
 - (A) certify the request and deliver the certified request to the county legislative body; and
 - (B) mail or deliver written notification of the certification to:
 - (I) the contact sponsor; and
 - (II) the chair of the planning commission of each township in which any part of the area proposed for incorporation is located; or
 - (ii) if the clerk determines that the request fails to comply with Section 10-2-103 requirements, reject the request and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- (2) The county clerk shall certify or reject requests under Subsection (1) in the order in which they are filed.
- (3)
 - (a)
 - (i) If the county clerk rejects a request under Subsection (1)(b)(ii), the request may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
 - (ii) A signature on a request under Section 10-2-103 may be used toward fulfilling the signature requirement of Subsection 10-2-103(2)(a) for the request as modified under Subsection (3)(a)(i).
 - (b) If a request is amended and refiled under Subsection (3)(a) after having been rejected by the county clerk under Subsection (1)(b)(ii), it shall be considered as a newly filed request, and its processing priority is determined by the date on which it is refiled.